

South Dakota Board of Nursing

Determining Your Scope of Practice

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RN and LPN scope of practice laws in South Dakota Codified Law (SDCL) 36-9-3 and SDCL 36-9-4 were updated during the 2016 legislative session and became effective July 1st, 2016. Upon review of these new laws, nurses may ask if their scope has changed or if a task is now included in their scope of practice. The updates to these laws were not meant to expand or change the scopes of RNs or LPNs but to update the language to reflect current nursing practice and to be similar to the language used in the National Council State Boards of Nursing's (NCSBN) model nurse practice act. South Dakota's scope of practice statutes had not been updated since 1976 for LPNs and 1986 for RNs. The new laws are located on the Board's website and at: http://sdlegislature.gov/statutes/Codified_laws/DisplayStatute.aspx?Statute=36-9&Type=Statute.

State NPAs are comprised of statutes and rules which define and govern nursing practice and generally do not include lists of tasks that can or cannot be performed. Instead the laws are written broadly to allow flexibility so nurses can practice in a variety of settings and can learn new skills and tasks as health care evolves. Whether a task or activity is in a nurse's scope is dependent upon answering a few important questions. First ask, *is the task expressly permitted or prohibited in the South Dakota Nurse Practice Act (NPA)?* If the task is not expressly prohibited in the NPA, *is there a South Dakota Board of Nursing Advisory Opinion/Position statement on the topic?* The Board of Nursing provides statements on practice based on written requests. Although these statements do not have the force and effect of law, they do serve as a guideline for nurses who wish to engage in safe nursing practices. The Board has issued position statements on various areas of practice; these statements can be found on the Board's website at: <http://doh.sd.gov/boards/nursing/title-opinion.aspx>.

Next, *is there a policy or protocol on the task or activity at your employing facility?* If yes, read and follow the policy. Agency policies should guide you in providing safe care within that facility. Employers are accountable to review policies and protocols regularly to make certain they include current, evidence based practices that meet all state and federal regulatory, reimbursement, or other accrediting body requirements. Also assess what the current standards of practice and guidelines are for this task/activity. *Is there current nursing literature or evidence based research on the task or activity? And would a reasonable, prudent nurse perform the task in a similar situation or circumstance?* Gathering information from national nursing specialty organizations identifies what national experts believe is the standard of practice. For instance practice guidelines on wound care might be found on the Wound, Ostomy, and Continence Nurses Society website; or intravenous infusion therapy guidelines might be found on the Infusion Nurse's Society website. A helpful link to a list of national professional nursing organizations is: <http://www.nurse.org/orgs.shtml>. Requesting policies and procedures from other facilities might also be useful in determining the standard of practice and what might be considered reasonable and prudent nursing practice for the specific task or activity.

Finding answers to some or all of these questions may serve as evidence that the task or activity is or is not in a nurse's scope of practice. If the evidence demonstrates that the task or activity may be in a nurse's scope, ask, *does the nurse have the knowledge and skills necessary to perform the task or activity?* If not, *is there a comprehensive training program with clinical instruction available to prepare the nurse to perform the new task or skill safely?* Nurses are responsible to perform safe care and accept assignments within their individual educational preparation, experience, knowledge, skills and abilities. Pursuant to ARSD 20:48:04:01, "a licensee is personally responsible for the actions that the licensee performs relating to the nursing care furnished to clients and cannot avoid this responsibility by accepting the orders or directions of another person." Each nurse must determine whether or not he/she has the depth of knowledge needed to perform the new task in an effective and safe manner and according to agency policy. Nurses without sufficient depth of knowledge or skill may obtain additional education and training through in-service, continuing education, or graduate studies in order to perform a task or activity.

A Scope of Practice Decisioning Model and algorithm was developed as a reference tool for nurses to use in determining if a task or activity may be in their scope. The algorithm was approved by the South Dakota Board of Nursing at their November 2004 meeting, a revised version was adopted in 2016, the algorithm is located on the Board's website, <http://doh.sd.gov/boards/nursing/documents/ScopeofPractice3.pdf>.